

Minutes of the regular Proctor City Council meeting held on January 2, 2018 in the Community Center Council Chambers.

Mayor Larson called the meeting to order 6:03 pm.

MEMBERS PRESENT: Councilors Troy DeWall, Gary Nowak, Jim Schwarzbauer, Jake Benson and Mayor Phil Larson.

OTHERS PRESENT: Administrator Mark Casey, Deputy Clerk Jennifer Crown, Attorney Chelsea Helmer (John Bray's representative), Chief Gaidis, Linnea Wiita, Robin Hansen, Midway Township Supervisor Jim Aird, Kathy Hannan, Nick Greenwood, Fire Dept. Chief Kerry Helquist, Chris and Michelle Tabbert and Russell Habermann.

APPROVAL OF THE MINUTES:

Motion by Jim Schwarzbauer, seconded by Troy DeWall and carried (5-0): To approve the December 18, 2017 Council Meeting Minutes.

APPROVAL OF THE AGENDA:

Motion by Nowak, seconded by Mayor Larson and carried (5-0): To approve the agenda for January 2, 2018.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

None.

***APPROVAL OF THE CONSENT AGENDA** (one Council motion can accept all items listed under this agenda, plus Council can pull any individual items out of this consent agenda and discuss/act on item separately – thus leaving others to be approved via consent agenda action) – bold print denotes need for Council action.

Motion by Jim Schwarzbauer, seconded by Troy DeWall and carried (5-0): To approve the Consent Agenda.

1. COMMUNICATIONS

A. Public Information Letter from St. Louis County

2. PLANNING AND ZONING DEPARTMENT MATTER

3. *CLERK ADVISES COUNCIL

- A. Government Fund payroll ended 12/24/17: Liquor Fund payroll period ended 12/24/17.

4. ***COMMITTEE REPORTS**

5. **UNFINISHED BUSINESS**

*A. SRO

6. **NEW BUSINESS**

A. 2018 OFFICIAL DESIGNATIONS – Mayor Larson to appoint Deputy Mayor

Motion by Mayor Larson, seconded by Nowak, and carried (4-0, Benson abstained): To designate the Proctor Journal as the official city newspaper, and the Duluth News Tribune as the alternate.

Jim Schwarzbauer asked why there is a need for a secondary newspaper, and can it supersede the official newspaper or would it always remain as the alternate. Mark Casey responded the alternate newspaper would be used as a backup should the official newspaper happen to experience an unfortunate event. Attorney, Chelsea Helmer stated it would remain as the alternate.

Motion by DeWall, seconded by Schwarzbauer, and carried (5-0): To designate the 1st National Bank of Proctor, Proctor Federal Credit Union, MN 4M Fund, RBC Capital Markets, RBC Dain Rauscher (Fire Relief), Northland Securities, PMA Network (4M Fund) as the official depositories for the City of Proctor.

Benson stated that he opposed the word “*delegating*” on Agenda item number “**2018 COMMITTEE/COMMISSION APPOINTMENTS – Mayor Larson appointing council representatives to committee/commissions.**” Administrator Mark Casey agreed to correct the wording.

Motion by Nowak, seconded by Schwarzbauer: To approve the 2018 Official Designations. Jake Benson amended the motion to add John Bray as the City Attorney, Nowak and Schwarzbauer amended the original motion and carried (5-0).

<u>Mayor:</u>	Philip Larson
<u>Deputy Mayor:</u>	Gary Nowak
<u>Responsible Authority:</u>	Mark Casey
<u>Compliance Officer:</u>	John Bray
<u>Designee of Records:</u>	Robin Hansen
<u>City Attorney:</u>	John Bray
<u>Prosecuting Attorney:</u>	Ron Envall

<u>Bldg Official:</u>	Jim Rich
<u>Bldg Inspector:</u>	Jay Boysen
<u>Elec Insp:</u>	Ron Beldo
<u>Plumbing Insp:</u>	Robert Renaud

Motion by Mayor Larson, seconded by DeWall, and carried (4-0, Nowak abstaining): To appoint Gary Nowak to the position of Deputy Mayor.

B. 2018 COMMITTEE/COMMISSION APPOINTMENTS – Mayor Larson appointing council representatives to committee/commissions

Motion by Nowak, seconded by Mayor Larson, and carried 4-0, Schwarzbauer abstained): To appoint Jim Schwarzbauer as council representative to the Street Department Committee.

Motion by Mayor Larson, seconded by DeWall and carried (5-0): To appoint Mayor Larson and Gary Nowak as council representatives to the Liquor Control Committee.

Motion by DeWall, seconded by Schwarzbauer and carried (5-0): To appoint Mayor Larson and Troy DeWall as council representatives to the Public Safety Committee.

Motion by Mayor Larson, seconded by DeWall and carried (4-0, Nowak abstained): To appoint Gary Nowak as council representative to the Parks & Recreation Committee.

Motion by Nowak, seconded by DeWall and carried (4-0, Schwarzbauer abstained): To appoint Jim Schwarzbauer as council representatives to the Beautification & Trees Committee.

The discussion was that the Planning and Zoning Committee will remain as is. Motion by Mayor Larson, seconded by Nowak and carried (4-0, Benson abstained): To appoint Jake Benson as council representatives to the Cable TV Commission.

The discussion was that no motion was needed in regard to the Proctor Economic Development Authority.

It was discussed that there are no City Council Representatives on the Police Civil Service Commission. Mark Casey stated that there could be a non-voting liaison on this commission, and attorney, Chelsea Helmer stated that she has seen it both ways. Jim Schwarzbauer would like to look further into the issue and will report back to the council.

Casey suggested editing the Fire Chief name on the Employee Health & Safety Committee to reflect Kerry Helquist.

Motion made by Schwarzbauer, seconded by Mayor Larson, and carried (4-0, Nowak abstained): To approve to keep Gary Nowak on the Proctor Golf Board.

Motion by Nowak, seconded by Mayor Larson and carried (4-0, Schwarzbauer abstained): To approve to add “Mayor” and “Administrator” and to keep one council member, Jim Schwarzbauer on the Personnel Committee.

The discussion was to for the Emergency Management Committee to keep Chief of Police, Kent Gaidis and Mayor Larson, and to edit the Fire Chief name to reflect Kerry Helquist.

Motion by Nowak, seconded by Schwarzbauer and carried (5-0): To appoint Jake Benson, until a replacement is found, as a council representative to the Public Charitable Trust Fund Board.

Motion by DeWall, seconded by Nowak and carried (4-0, Schwarzbauer abstained): To appoint councilor Jim Schwarzbauer to the Tourism Committee.

Motion by Mayor Larson, seconded by DeWall and carried (3-0, 2 abstained, Mayor Larson and Gary Nowak: To appoint Mayor Phillip Larson and Alternate, Gary Nowak as the MIC Representatives.

Motion by DeWall, seconded by Nowak and carried (4-0, Schwarzbauer abstained): To appoint Jim Schwarzbauer and Alternate Jake Benson as the ACTS Representative.

C. Agreement for Professional Services Between the City of Proctor and the South St. Louis Soil & Water Conservation District

It was discussed that the renewal comes up annually and they are readily available. Motion by Benson, seconded by Schwarzbauer and carried (5-0): To approve the agreement.

D. Resolution 54-17 Vacating Utility Easement (previous meeting)

Phillip G. Larson
Mayor

Mark Casey
Administrator

City of Proctor

You Have A Place In Proctor

COUNCILORS
Jake P. Benson
Troy R. DeWall
Gary Nowak
James R. Schwarzbauer

100 Pionk Drive • Proctor, Minnesota 55810-1700 • (218) 624-3841 • Fax (218) 624-9459 • email: cityhall@proctormn.gov

RESOLUTION NO. 54-17

A RESOLUTION VACATING UTILITY EASEMENT RESOLUTION OF THE CITY COUNCIL.

CITY OF) PROCTOR
COUNTY OF) ST. LOUIS
STATE OF) MINNESOTA

WHEREAS, the request that the City Council pursuant to Minnesota Statute §412.851 vacate a utility easement adjacent to Third Street South, between Bee street and Kirkus street legally described as:

Easement for utilities running in favor of the City of Proctor, described as the southerly 30' of Lot 22 Blk 1 of Kingsbury Addition to Proctor, running 537.9' feet of thereof

WHEREAS, a public hearing to consider the vacation of such easement was held on the 18th day of December, 2017, before the City Council in the City Hall located at 100 Pionk Drive at 6:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 29th day of November, 2017 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

The utility easement is no longer beneficial to the development of property within the immediate vicinity.

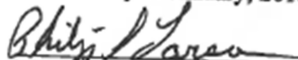
The utility easement cannot be maintained by the city.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROCTOR, MINNESOTA AS FOLLOWS:

Easement for utilities running in favor of the City of Proctor, described as the southerly 30' of Lot 22 Blk 1 of Kingsbury Addition to Proctor, running 537.9' feet of thereof

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Motion by: Nowak, Seconded by: DeWall and passed by the City Council of Proctor, Minnesota this 2nd day of January, 2018.


Mayor

Attested:


City Clerk

Administrator Mark Casey explained that the easement is not used for anything; it is a dead end easement and no reason to improve it. Motion by Nowak, seconded by DeWall, and carried (5-0): To adopt the resolution.

Casey mentioned plat changes on the county website, no concern on easement, and was to be discussed in closed session with and Chris and Michelle Tabbert.

E. Resolution 01-18 Appointing Fire Chief

Philip G. Larson
Mayor

Mark Casey
Administrator

City of Proctor

You Have A Place In Proctor

100 Plank Drive • Proctor, Minnesota 55810-1700 • (218) 624-3641 • Fax (218) 624-9459 • email: city@proctormn.gov

**CITY OF PROCTOR, MINNESOTA
RESOLUTION 01-18
RESOLUTION APPOINTING
FIRE CHIEF**

**STATE OF MINNESOTA)
COUNTY OF ST LOUIS)
CITY OF PROCTOR)**

WHEREAS, the Proctor City Council is interested in appointing a new Fire Chief replacing the outgoing Fire Chief Jamie Pogatchnik, in conformance with the requirements of the applicable Minnesota Statutes and City Code of Proctor, Minnesota.

WHEREAS, the Fire Department at its regular meeting of January 1, 2017 has made the recommendation of Kerry Helquist to become Fire Department Chief effective January 1, 2018.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROCTOR, ST. LOUIS COUNTY, MINNESOTA that Kerry Helquist is hereby appointed as the Fire Department Chief, with Minnesota Law, Proctor City Code, and all other applicable statutes and ordinances to prevail.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution No. 01-18 was declared duly adopted this 2nd day of January, 2018.


Phil Larson

Motion by DeWall, seconded by Benson: To appoint new Fire Chief Kerry Helquist.

Helquist discussed the final invoice amount of \$4,413.54 for the thermal camera, and stated there was a reduction in price and the annual donation will pay for half; thus leaving the remaining half billed to the city.

7. LABOR AND NEGOTIATIONS ISSUES – Closed Meeting

A. Land Purchase Agreement

B. Confidential Administrative Assistant Contract

Motion by DeWall and seconded by Mayor Larson and carried: To close the City Council Meeting at 6:43 p. m. to discuss 7A. Land Purchase Agreement of Parcels Number 185024000540 and 185024000545 under Minnesota State Statute Number 13.D3b(c), and 7B. Employee Contract per the Public Employee Labor Relations Act.

The meeting was reopened to the general public at 7:08 p.m.

NEW BUSINESS (CONTINUED)

F. Land Purchase Agreement

Motion by DeWall, seconded by Schwarzbauer, and carried (5-0): To table this item.

G. Contract – Employee

Motion by Schwarzbauer, seconded by DeWall and carried (5-0): To approve the contract for Robin Hansen as the Confidential Administrative Assistant.

MEMBERS CONCERNS:

Benson:

DeWall:

Nowak:

Schwarzbauer: Jim handed out the Spirit Mountain Recreation Authority Master Plan update to the council members. He then expressed disagreement that some of the items in the plan were not beneficial to the winter activities. There was discussion to meet with the Duluth Mayor to propose the use of RV spaces.

Mayor Larson:

Administrator: Mark Casey discussed the following items:

1. Upcoming meetings with CDBG in Virginia.
2. Representatives for the Playground for Everybody
3. A meeting will be held with the Ugstad Road and Almac Drive residents who are affected by the sewer and water issues. Jim Schwarzbauer said there is a safety issue regarding people walking on Ugstad Road, and suggested a designated walkway.

BILLS FOR APPROVAL

General: \$65,564.03

Liquor: \$27,974.39

Total: \$93,538.42

Discussion ensued of the Proctor Journal bill. Motion by Mayor Larson, seconded by Gary Nowak: To pay the bills and have the Administrator negotiate the Proctor Journal bill. Mayor Larson requested to rescind his motion, and Nowak to rescind his second. Motion by Mayor Larson, and seconded by Schwarzbauer, and carried (4-0) to pay all bills. Jake Benson abstained on voting on the Proctor Journal bill.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried: To adjourn the City Council meeting at 7:43 p.m.

Respectfully submitted,

Philip Larson, Mayor

Mark Casey, City Administrator